

Neutral Citation No. - 2023:AHC-LKO:58587-DB

A.F.R.

RESERVED

Court No. - 1

Case :- WRIT - A No. - 6097 of 2023

Petitioner :- Union Of India Thru. General Manager Northern Railway
New Delhi And 3 Others

Respondent :- Sri Kaushalya Nandan Sharan Verma And Another

Counsel for Petitioner :- Vinay Tripathi

Counsel for Respondent :- Ashish Kumar Verma

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

(Per Om Prakash Shukla, J.)

A. INTRODUCTION

(1) The challenge in the instant writ petition under Article 226 of the Constitution of India is to the judgment and order dated 14.10.2022 passed by the Central Administrative Tribunal, Lucknow Bench, Lucknow (hereinafter referred to as “**the Tribunal**”), whereby Original Application No. 332/00515/2018 filed by the applicant/respondent no.1 herein was allowed and petitioners herein were directed to pay the interest of pension and gratuity due at the rate of G.P.F. from its date i.e. 01.02.2012 to 28.06.2018 within three months from the date of receipt of a certified copy of the order.

(2) Apparently, in the aforesaid Original Application No. 332/00515/2018, the applicant/respondent no.1 has sought the following reliefs :-

“The original application is being filed against the illegal, arbitrary and *mala fide* actions of the respondents in making payment of retiral dues without interest thereon for the period they illegally

withheld the amount of retiral dues despite the decision of this Hon'ble Tribunal dated 11.3.2016 and the judgment passed by Hon'ble High Court, Lucknow, by which writ petition the order dated 11.3.2016 has been dismissed with cost Rs.5000/-.

The applicant further prayed that the respondents may be directed to make payment of interest on delayed payment of retiral dues @12% per annum from the date of retirement i.e. 31.1.2012 to the date of payment i.e. 28.6.2018."

- (3) The petitioners have also challenged the correctness of the judgment and order dated 06.07.2023 passed by the learned Tribunal, whereby Review Application No. 332/00004/2023 filed by the petitioners herein seeking review of the aforesaid judgment/order dated 14.10.2022 (supra) as well as the application seeking to condone the delay in filing the aforesaid review application were dismissed on the ground that the review application has been filed by the petitioners herein delayed by close to five months i.e. beyond the period prescribed under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, hence it cannot be entertainable.

B. FACTUAL MATRIX

- (4) The following relevant facts necessary for consideration of this writ petition are broadly culled out from the record available before this Court in this writ petition :-

- 4.1.** The respondent no.1-Sri Kaushalya Nandan Sharan Verma (hereinafter referred as “**employee**”) was appointed on the

substantive post of Guard (Grade-C) in Northern Railway and joined his services on 13.09.1976. He had passed his High School Examination from Gandhi Vidyalaya Inter College, Maarrofpur, Maryadpur, District Mau (hereinafter referred to as “**School**”) in the year 1966. In the educational records, his date of birth was wrongly mentioned as 01.02.1950, whereas, as his actual date of birth was 01.02.1952, therefore, father of the employee attempted to get the same corrected. A fresh High School Certificate was issued by the Examination Board in the year 1976. In pursuance thereto, he submitted his original certificates as well as attested copies of the High School Certificate issued by the Board in the year 1976. Subsequently, his service records correctly reflected his date of birth as 01.02.1952 in place of 01.02.2050.

- 4.2.** Apparently, the employee was due to retire on the basis of his date of birth on 31.01.2012 and as such, on 25.01.2012, the Divisional Railway Manager (Personnel), Divisional Office, Northern Railway, Hazratganj, Lucknow, issued a letter dated 27.01.2012, stating therein that the appointment letter placed in the service records shows his date of birth as 01.02.1950, whereas first page of the service record shows his date of birth as 01.02.1952 and as such, employee was once again directed to submit the original certificate of date of birth etc. In response thereto, the employee submitted his reply dated 27.01.2012,

mentioning therein that educational certificates got misplaced/lost. Thereafter, the employee was served with letter dated 31.01.2012, stating that his explanation was not satisfactory and the matter would be verified from the concerned Institute.

- 4.3.** Thereafter, on 02.02.2012, an amount of Rs.3,25,535/- against the amount of Provident Fund was credited to the account of the employee against total due of Rs.5,65,405/-. He was served with Pension Payment Order No. 0112070079 dated 3.8.2012, showing his date of birth as 01.02.1950 and his date of retirement as 31.01.2010. His pension was sanctioned to Rs.13675/- per month showing the qualifying service as 33 years, whereas as per the employee, he had actually worked for 35 years 4 months and 8 days. Thereafter, he moved an application dated 27.02.2012 seeking details of payment made and withheld. In response thereto, the employee was provided the details of payments which were calculated as due to be deducted taking his date of retirement as 31.01.2010 vide letter dated 03.10.2012. Further, a recovery of Rs.12,64,300/- was directed as excess payment of pay w.e.f. 01.02.2010 to 31.01.2012 out of which an amount of Rs.9,78,853/- has been deducted/recovered from the amount of DCRG and leave encashment and balance of Rs.2,85,853/- was directed to be recovered from the pension relief.

4.4. Aggrieved by the aforesaid actions, the employee preferred Original Application No. 438 of 2012 : *Kaushaiya Nandan Sharan Verma Vs. Union of India and others*, before the Tribunal.

4.5. The learned Tribunal, vide order dated 11.03.2016, disposed of the aforesaid original application No. 438 of 2012 with the following directions :-

(a) *The applicant is entitled to salary for the period 01.02.2010 to 31.01.2012.*

(b) *No recovery is to be made against salary paid for the period of 01.02.2010 to 31.01.2012.*

(c) *Any recovery made against salary drawn between 01.02.2010 to 31.01.2012 is to be refunded.*

(d) *The applicant is entitled to pensionary benefits as due on his actual date of retirement i.e. 31.01.2010.*

(e) *All retiral dues including PPF, DCRG, commuted pension etc. are to be paid to the applicant on the basis of post/pay as held on 31.01.2010.*

13. *The matter is remanded to the respondents to pass fresh orders including revised PPO as per directions given above. The entire action is to be completed within four months from the date of receipt of certified copy of this order."*

4.6. The aforesaid judgment/order dated 11.03.2016 passed by the learned Tribunal was challenged by the Union of India/petitioners herein by filing Writ Petition No. 16855 of

2016 before this Court. A Co-ordinate Bench of this Court, vide judgment/order dated 25.01.2018, dismissed the writ petition with cost of Rs.5000/-. Thereafter, on 28.04.2018, the petitioners had made the payment to the employee in installments i.e. on 18.04.2018 an amount of Rs.587787/-, on 27.06.2018, an amount of Rs.285853/- and on 28.06.2018, an amount of Rs.27350/- (total amount of Rs.9,00,990/-).

4.7. Feeling aggrieved by the payment of the pension and gratuity after two years and 3 months, the employee preferred Original Application No.332/00515/2018 before the Tribunal. The learned Tribunal, on taking note of the facts that the employee's pension and gratuity fell due on 01.02.2012 but it was paid on 28.06.2018 and also taking note of Rule 65 of CCS (Pension) Rules, 2021, allowed the original application vide order dated 14.10.2022 and the petitioners herein was directed to pay the interest on pension and gratuity due at the rate of GPF from its due date i.e. 01.02.2012 to 28.06.2018 within three months from the date of receipt of a certified copy of the order.

4.8. The petitioners, thereafter, preferred Review Application No. 332/00004/2023 before the Tribunal, seeking review of the aforesaid judgment/order dated 14.10.2022, which was delayed by 5 months. The learned Tribunal, vide judgment/order dated 06.07.2023, dismissed the review application as well as

application for condonation of delay in filing review application.

- 4.9.** Feeling aggrieved by both the judgments/orders i.e. 14.10.2022 (supra) and 06.07.2023 (supra), the petitioners have preferred the instant writ petition.

C. SUBMISSIONS

- (5)** Heard Shri Vinay Tripathi, learned Counsel representing the Union of India/petitioners and Shri Ashish Kumar Verma, learned Counsel representing the respondent no.1/employee.
- (6)** Assailing the legality of the impugned judgment/order dated 14.10.2022 passed by the learned Tribunal, learned Counsel representing the petitioners has argued that the learned Tribunal has committed a gross error of law in directing the payment of interest on the alleged delay of payment of interest on pension and gratuity due at the rate of G.P.F. from its due date i.e. 01.02.2012 to 28.06.2018 vide impugned judgment/order dated 14.10.2022. He submits that relief no.4 as sought by the employee/respondent no.4 in earlier Original Application No. 438 of 2012, which was decided by the learned Tribunal vide order dated 11.03.2016, and the sole relief sought by the employee/respondent no.1 in subsequent Original Application No. 332/00515/2018, are almost identical, therefore, subsequent Original Application No.332/00515/2018 was barred by *res*

judicata and on this ground alone, Original Application No. 332/00515/2018 was liable to be dismissed, however, the learned Tribunal has erred in allowing the Original Application No. 332/00515/2018 vide impugned order dated 14.10.2022.

- (7) To strengthen his submissions, learned Counsel representing the petitioners has placed reliance upon the judgments of the Apex Court in **Daryao Vs. State of U.P. : AIR 1961 SC 1457**, **Commissioner of Income Tax, Bombay Vs. T.P. Kumaran : JT 1996 (8) 68**, **State of Haryana Vs. State of Punjab and another : 2004 Supp(2) SCR 849** and **Canara Bank vs. N.G. Subbaraya Setty and Anr. : AIR 2018 SC 3395**.
- (8) The learned Counsel representing the petitioners has next submitted that as there was apparent error in allowing the Original Application No. 332/00515/2018 vide order dated 14.10.2022 and as such, the petitioners preferred Review Application No. 332/00004/2023, seeking review of the order dated 14.10.2022, along with application for condonation of delay, however, the learned Tribunal dismissed the review application as well as application for condonation of delay vide impugned order dated 06.07.2023 only on the ground that the Tribunal has no power to condone the delay in filing review application in view of Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987. He argued that recently, this Court, vide order dated 24.08.2023 passed in Writ- A No. - 5564

of 2023 : *Surendra Kumar Vs. Union of India and others*, has decided the issue as to whether the learned Tribunal has power to condone the delay in filing the review application or not and has held that the learned Tribunal has power to condone the delay. Thus, the impugned order 06.07.2023 is also liable be dismissed.

- (9) Per contra, learned Counsel for the employee/respondent no.1 supports the impugned judgments/orders and has argued that Section 22 (1) of the Administrative Tribunal Act, 1985 provides that the Code of Civil Procedure, 1908 shall not be binding in the proceedings before the Administrative Tribunals but shall be guided by principles of natural justice, which is in favour of the respondent no.1/employee. He submits that as the Original Application No. 515 of 2018 was allowed by the learned Tribunal by means of the impugned order dated 14.10.2022 in the light of the principles of natural justice and as such, principle of *res judicata* has no play in the proceedings under the Administrative Tribunals Act, 1985. According to him, the plea of *res judicata* was not raised by the petitioners before the learned Tribunal, hence, the petitioners cannot be allowed the same before this Court in the present proceedings.

- (10) Learned Counsel representing the respondent no.1/employee has further argued that though the respondent no.1/employee had claimed the interest at the rate of 18% on the due payments of pensionary benefits in the earlier Original Application no. 438 of

2012, but that was not entertained by the learned Tribunal. According to him, the petitioners have made a false presumption that the learned Tribunal denied the interest on due payment of pensionary benefits, while in the order dated 11.03.2016 passed in Original Application No. 438 of 2012, nothing has been observed by the learned Tribunal regarding the claim of the interest. Therefore, if the claim of the respondent no.1/employee was unheard, he has every right to sue through another proceeding for the same. Thus, there is no illegality or infirmity in the impugned order dated 14.10.2022 passed by the learned Tribunal.

- (11) So far as impugned judgment/order dated 06.07.2023 is concerned, learned Counsel representing the respondent no.1/employee has contended that in view of Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, the learned Tribunal has no power to condone the delay in filing the review application, hence the learned Tribunal has rightly dismissed the review application being time barred vide impugned order dated 06.07.2023.

D. ANALYSIS & FINDINGS

- (12) Having regard to the submissions made by the parties and going through the record available before this Court in the instant writ petition, it is required to be noted that earlier the employee/

respondent no.1 preferred Original Application No. 438 of 2012

before the Tribunal, seeking the following reliefs :-

- “1. Quash/set-aside the Pension Payment Order dated 03.08.2012 and direct the opposite parties to issue fresh Pension Payment Order to the applicant fixing his pension w.e.f. 01.02.2012 considering his date of retirement as 31.01.2012.
2. Quash/set-aside the letter dated 10.05.2012 issued by the opposite party No.6, the photo copy of which is contained in the annexure No.1 to the O.A.
3. Quash/set aside the order, if any, passed by the opposite party No. 2 to 5, directing for recovery of Rs.12,64,300/- from the applicant, after summoning its original from the opposite parties.
4. Direct the opposite parties to refund the amount of Rs.12,64,300/- deducted/ recovered from the settlement dues i.e. amount of Gratuity, Leave Encashment and arrears of Pension, to the applicant alongwith the interest @18% p.a. w.e.f. 01.02.2012 till the date of actual payment.
5. Pass any other order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.
6. Award the cost of the application.”

(13) Apparently, the learned Tribunal, vide order dated 11.03.2016, disposed of the aforesaid Original Application No. 438 of 2016 with the direction as reproduced in paragraphs No.4.5. hereinabove. This order dated 11.03.2016 was challenged before

this Court by the Union of India in Writ Petition No. 16855 (S/B) of 2016. A Co-ordinate Bench of this Court, vide order dated 25.01.2018, dismissed the writ petition and upheld the judgment/order dated 11.03.2016 passed by the learned Tribunal.

- (14) The employee/respondent no.1 has not disputed the fact that in compliance of the aforesaid judgments/orders, the employee/respondent no.1 was paid sum of Rs.6,09,222/-, which was deducted from the DCRG vide Pay Order No. 491926 dated 28.03.2018; sum of Rs.3,69,225/-, which was deducted from Leave Encashment, vide Pay Order No. 491927 dated 28.03.2018; and Rs.2,85,853/-, which was recovered from the pension, vide pay order No. 491950 dated 12.06.2018. However, thereafter, the respondent No.1/applicant preferred Original Application No. 332/00515/2018, seeking the following reliefs :-

- “(i) This Hon’ble Tribunal may kindly be pleased to direct the respondents to make payment of interest @ 12% per annum to the delayed payment of retiral dues from the date it was due i.e. 01.02.2012 to 28.6.2018.
- (ii) To pass such other orders which are found just fit and proper under the circumstances of the case.
- (iii) To allow the original application with cost.”

- (15) The learned Tribunal, taking note of the fact that DCRG benefits was due on 01.02.2012 but it was paid to the employee/respondent no.1 on 28.06.2018 and in the light of Rule 65 of CCS (Pension) Rules, 2021, disposed of the aforesaid

original application vide judgment/order dated 14.10.2022, which is impugned in the instant writ petition.

- (16) The petitioners, thereafter, preferred Review Application No. 332/00004/2023 before the Tribunal, which was dismissed by the learned Tribunal vide order dated 06.07.2023, which is also impugned in the instant writ petition.
- (17) In sum and substance, the question to be answered in this case is (i) whether Original Application No. 332/00515/2018 was barred by principle of *res judicata*; and (ii) whether the learned Tribunal has power to condone the delay in filing the review application or not ?
- (18) So far as first question, as referred above, is concerned, *res judicata* is a doctrine of law based on equity and public policy that a party may not be permitted to harass the other party and waste court's time by re-agitating the same issue. A Constitution Bench of the Apex Court in **Mysore State Electricity Board Vs. Bangalore Woollen, Cotton & Silk Mills & Ors.** : AIR 1963 SC 1128, observed that what becomes *res judicata* is a 'matter', which is actually decided and not the reason which leads the Court to decide the 'matter'. Therefore, it is the decision which may not legally be correct but it becomes binding and the party cannot be allowed to re-agitate the same issue.

- (19) It is settled legal proposition that even an erroneous decision on a question of law is *res judicata* between the parties to it. The correctness or otherwise of a judicial decision has no bearing upon the question whether or not, it operates as *res judicata*. (Vide **Arjun Singh Vs. Mohindra Kumar** : AIR 1964 SC 993; **L.R. Ganapathi Thevar (dead) by his legal representatives Vs. Sri Navaneethaswaraswami Devasthanam** : AIR 1969 SC 764; and **Satyadhyan Ghosal & ors. Vs. Smt. Deorajin Debi & anr.** : AIR 1969 SC 941).
- (20) In **Har Pyari Devi Vs. Ghansham Singh**: (1982) 2 SCC 109; **O.N.Bhatnagar Vs. Smt Rukibai Narsindas & Ors.**: AIR 1982 SC 1097; and **P. Lal Vs. Union of India & Ors.** : (2003) 3 SCC 393, the Apex Court held that it is not permissible for an authority, Tribunal or a Court to reopen the finding of fact which has attained finality in earlier proceedings.
- (21) In **Mathura Prasad Sarjoo Jaiswal & Ors. Vs. Dossibai N.B.Jeejeebhoy** : AIR 1971 SC 2355, the Apex Court held that while considering the issue of *res judicata*, it is not open to the Court to examine as to whether the findings recorded earlier were correct or not. As it becomes binding on attaining finality, the purpose of applying this doctrine is that the rights which had already been determined should not become nugatory, therefore, parties must be precluded from reopening or re-contesting the

issues which had become final. The Apex Court observed as under:-

"It is true that in determining the application of the rule of res judicata the Court is not concerned with the correctness or otherwise of the earlier judgment. The matter in issue, if it is one purely of fact, decided in the earlier proceeding by a competent court must in a subsequent litigation between the same parties be regarded as finally decided and cannot be reopened. A mixed question of law and fact determined in the earlier, proceeding between the same parties may not, for the same reason, be questioned in a subsequent proceeding between the same parties. But, where the decision is on a question law, i.e. the interpretation of a statute, it will be res judicata in a subsequent proceedings between the same parties where the cause of action is the same, for the expression "the matter in issue" in S. 11, Code of Civil Procedure, means the right litigated between the parties, i.e., the facts on which the right is claimed or denied and the law applicable to the determination of that issue. Where, however, the question is one purely of law and it relates to the jurisdiction of the Court or a decision of the Court sanctioning something which is illegal, by resort to the rule of res judicata a party affected by the decision will not be precluded from challenging the validity of the order under the rule of res judicata, for a rule of procedure cannot supersede the law of the land."

- (22) In the case of **State of West Bengal Vs. Hemant Kumar** : AIR 1966 SC 1061, the Apex Court clearly held that a wrong decision by a court having jurisdiction is as much binding between the parties as right one and may be superseded by other procedure like review, which the law provides.

(23) In Employees Welfare Association Vs. Union of India & Ors. :

AIR 1990 SC 334, the Apex Court observed as under:-

"....if a question of law is related to the fact in issue, the erroneous decision on such question of law may operate as *res judicata* between the parties in subsequently that suit or proceeding if the cause of action is the same. The Delhi High Court judgment does not decide any abstract question of law and there is also no question of jurisdiction involved. Assuming that judgment of Delhi High Court are erroneous, such judgment being on the question of fact would still operate as *res judicata* between the same parties in the subsequent suit or proceeding over the same cause of action."

(24) In Commissioner of Income Tax Vs. T.E.Kumaran : 1990 (10)

SCC 567, the Apex Court applying the principle of *res-judicata* clearly held:-

"The claim is barred by constructive res-judicata under section 11 Explanation IV of the Code of Civil Procedure which envisages that any matter which might and ought to have been made a ground of defence or attack in the former suit shall be deemed to have been matter directly substantially in issue in a subsequent suit. Hence when the claim was made on earlier occasion, he could have or might have sought and secured decree for interest. He did not seek so and, therefore, it operates as res-judicata. Even otherwise when he filed a suit and specifically did not claim the same order 2, Rule 2 of the Code of Civil Procedure prohibits the petitioner to seek remedy separately. In either event the Original Application is not sustainable."

(25) Keeping in mind the aforesaid legal proposition, what we find from perusal of the record available before this Court in the instant writ petition is that relief no.4 sought by the respondent

no.1/employee in Original Application No. 438 of 2012 (in the first round of litigation) was for refund of amount of Rs.12,64,300/-, which was deducted/ recovered from the settlement dues i.e. amount of gratuity, leave encashment and arrears of pension to him along with interest at the rate of 18% per annum w.e.f. 01.02.2012 till the date of actual payment, whereas relief sought by the respondent no.1/employee in Original Application No. 332/00515/2018 (second round of litigation) was to make the payment of interest at the rate of 12% per annum to the delayed payment of retiral dues from the date it due i.e. 01.02.2012 to 28.06.2018.

- (26) Apparently, the relief no.4 sought by the respondent no.1/employee in Original Application No. 438 of 2012 was adjudicated earlier by the learned Tribunal vide judgment/order dated 11.03.2016, the learned Tribunal decided the same along with other reliefs and direction was issued as enumerated in paragraphs no. 4, 5 hereinabove. This order dated 11.03.2016 was challenged by the Union of India/petitioners in Writ Petition No. 16855 of 2016, which was dismissed by a Co-ordinate Bench of this Court vide judgment/order dated 25.01.2018, meaning thereby the judgment/order dated 11.03.2016 (supra) passed by the learned Tribunal was upheld. The respondent no.1/employee had never challenged the order dated 11.03.2016 (supra) passed by the learned Tribunal, however, it seems that when the order

dated 11.03.2016 was complied with by the petitioners/Union of India while paying the retiral benefits to the respondent no.1/employee, then, the respondent no.1/employee preferred subsequent Original Application No. 332/00515/2018, seeking to pay interest at the rate of 12% per annum on delayed payment of retiral dues from the date it due i.e. 01.02.2012 to 28.06.2018, which seems to be equated with the relief as sought in Original Application No. 438 of 2012 and decided by the learned Tribunal vide order dated 11.03.2016.

(27) Admittedly, a finding of fact having been arrived at Original Application No. 438 of 2012 was never challenged by the respondent no.1/employee, therefore, the legality or otherwise of an identical issue i.e. to grant interest on delayed payment of retiral dues, as it appears, could not have been the subject-matter of proceedings in the second round of litigation by filing the Original Application No. 332/00515/2018. This is for the reason that if the respondent no.1/employee was not entitled to receive interest on retiral dues by reason of the judgment/order dated 11.03.2016 of the learned Tribunal, the question of interest on retiral dues would not arise.

(28) The respondent/employee approached the learned Tribunal by filing Original Application No. 332/00515/2018 with full knowledge that earlier in Original Application No. 438 of 2012, though relief of interest was claimed by him, but the same was

not granted by the learned Tribunal. The respondent no.1/employee, therefore, while filing Original Application No. 332/00515 of 2018 (second round of litigation) was bound to lay his claim having regard to the provisions contained in Order II Rule 2 of the Code of Civil Procedure or the principles analogous thereto. Respondent no.1/employee did not pray for and obtain any leave of the learned Tribunal to raise the contention about the legality or otherwise of the earlier order dated 11.03.2016 (supra), which attained finality. In that view of the matter, the proceedings initiated before the learned Tribunal questioning the action of the petitioners in not granting interest on delayed payment of retiral dues by the petitioners, in our opinion, was wholly misconceived and was barred under the principle of *res judicata* and in any case the prayer sought by the employee in the second round of litigation before the learned Tribunal was not as per equity, good conscience and fair play. Even the learned Tribunal has failed to appreciate the said finer point and granted a relief, which ought not have been granted looking to the finality of judgment/order dated 11.03.2016. In other words, the issue of interest on the amount due after the earlier judgment/order rendered on 11.03.2016 was no more open to be re-agitated to unsettle a binding decision having attained finality.

- (29) So far as the second question whether the learned Tribunal has power to condone the delay in filing the review application, is

concerned, this Court has recently decided this issue in Writ-A No. 5564 of 2023 : *Surendra Kumar Vs. Union of India and others*, decided on 24.08.2023, holding that the learned Tribunal has power to condone the delay in filing the review application. Therefore, the plea of the respondent no.1/employee in this regard has no substance.

E. CONCLUSION

- (30) For the aforesaid reasons, we are of the considered view that the impugned judgments/orders passed by the learned Tribunal are liable to be set-aside.
- (31) In view of the aforesaid, the writ petition is **allowed**. The impugned judgment/order dated 14.10.2022 passed in Original Application No. 332/00515/2018 and the impugned judgment dated 06.07.2023 passed in Review Application No. 332/00004/2023 are hereby set-aside.
- (32) There shall be no order as to costs.

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 06th September, 2023

Ajit/-